

ASSEMBLY BILL

No. 1521

Introduced by Assembly Member Salas

February 23, 2007

An act to amend Section 111170 of, and to add Section 111166 to, the Health and Safety Code, relating to bottled water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1521, as introduced, Salas. Drinking water: bottled drinking water.

Existing law, administered by the State Department of Health Services, prescribes various quality and labeling standards for bottled water and vended water, and limits the levels of certain contaminants that may be contained in those water products. Violation of these provisions is a crime.

Effective July 1, 2007, responsibility for the administration of the above-mentioned provisions will be transferred to the State Department of Public Health.

This bill would require each container of bottled water sold in this state to include on its label the identity of the water source.

Existing law requires that each water-vending machine, retail water facility, and private water source that sells water at retail display prescribed information, including, but not limited to, the fact that the water is obtained from an approved public water supply or licensed private water source.

This bill would, in addition, require that this information include the identity of the water source.

The bill would also require any person who sells bottled water in this state to submit to the department, and for the department to approve,

an emergency notification plan, and to annually prepare and submit to the department a consumer confidence report, as specified. The bill would authorize the department to adopt regulations necessary to implement these provisions that shall include, but need not be limited to, providing for the inspection and surveillance.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 111166 is added to the Health and Safety
2 Code, to read:

3 111166. (a) A person who sells bottled water in this state shall
4 submit to the department for approval an emergency notification
5 plan. The emergency notification plan shall provide for immediate
6 notice to the customers of the person who sells bottled water of
7 any failure to comply with any part of Section 111170, Chapter 4
8 (commencing with Section 110290), and applicable portions of
9 Part 101 of Title 21 of the Code of Federal Regulations.

10 (b) As a condition of its business license or license issued
11 pursuant to Section 111120, a person who sells bottled water in
12 this state shall annually prepare and submit to the department a
13 consumer confidence report that includes, but need not be limited
14 to, the source of the water.

15 (c) The department shall adopt regulations it determines to be
16 necessary to carry out the purposes of this section. These
17 regulations shall include, but need not be limited to, providing for
18 surveillance and inspections.

19 SEC. 2. Section 111170 of the Health and Safety Code is
20 amended to read:

21 111170. (a) Labeling and advertising of bottled water and
22 vended water shall conform with this section, Chapter 4

(commencing with Section 110290), and applicable portions of Part 101 of Title 21 of the Code of Federal Regulations.

(b) (1) Each container of bottled water sold in this state, each water-vending machine, and each container provided by retail water facilities located in this state shall be clearly labeled in an easily readable format. Retail water facilities that do not provide labeled containers shall post, in a location readily visible to consumers, a sign conveying required label information.

(2) *In addition to other information as required by law, each container of bottled water sold in this state shall include on its label the identity of the water source.*

(c) Water-vending machines, retail water facilities, and private water sources that sell water at retail shall display in a position clearly visible to customers the following information:

(1) The name and address of the operator.

(2) The fact that the water is obtained from an approved public water supply or licensed private water source, *and the identity of that source.*

(3) A statement describing the treatment process used.

(4) If no treatment process is utilized, a statement to that effect.

(5) A telephone number that may be called for further information, service, or complaints.

(d) Bottled water may be labeled “drinking water,” notwithstanding the source or characteristics of the water, only if it is processed pursuant to the Food and Drug Administration Good Manufacturing Practices contained in Section 165.110 and Parts 110 and 129 of Title 21 of the Code of Federal Regulations, Sections 12235 to 12285, inclusive, of Title 17 of the California Code of Regulations, and any other requirements established by the department pursuant to Sections 111145, 111150, and 111155. Any vended water and any water from a retail water facility may be labeled “drinking water,” notwithstanding the source or characteristics of the water, only if it is processed pursuant to Article 10 (commencing with Section 114200) of Chapter 4 of Part 7 and any other requirements established by the department pursuant to Sections 111145, 111150, and 111155.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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